



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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C.L. "Butch" Otter, Governor
Toni Hardesty, Director

August 27, 2010

Steve Hall
START Removal Project Leader
Ecology and Environment, Inc.
720 Third Avenue, Suite 1700
Seattle WA 98104

Dear Steve:

Thank you for the opportunity to comment on the Avery Landing EECA developed by Ecology and Environment for EPA. The Department of Environmental Quality has a long history and experience with this site. This letter is structured with several general comments made initially followed by more detailed comments.

General Comments:

The site has yielded petroleum contaminants to the surface water (St. Joe River) and to the local ground water for many years. Other contaminants of concern can be found locally on the site as well, but these are generally spot occurrences. Petroleum yield to the surface water was much greater in the past and appears from our observations to have abated over the years in part due to remedial activities and likely due to some natural attenuation. Petroleum contamination of surface water appears to be more episodic occurring when groundwater conditions are conducive. Nevertheless, surface water and certainly the groundwater source are contaminated and that plume of contamination is expanding. These are violations of the Oil Pollution Act (OPA). Thus it would appear that the EECA would be on stronger legal ground to site primarily OPA rather than CERCLA. Granted, there are some COCs that CERCLA addresses but these are minor hot spots on the site as compared to the bunker C oil contamination.

DEQ has a concern with the inclusion of Washington's MTCA diesel and heavy oil range organic standards as a "to be considered" standard. Idaho regulations purposely abandoned a total petroleum hydrocarbon standard when DEQ adopted Risk Based Corrective Action and then further revised this process based on the Risk Evaluation Manual. These approaches focus on the COCs in petroleum known to be harmful to human health and the environment. The IDTLs or, if desired and properly developed, RATLs define the quantity of petroleum COCs permitted to remain in groundwater and soils. The EECA correctly states Idaho's narrative standard prohibiting free petroleum product on surface waters. A similar standard applies to free product on groundwater as well. DEQ has accepted the use of MTCA standards in those cases in which the state

does not have an applicable standard such as contaminated sediments at the St. Maries Creosote Site. The EECA should not use MTCA standards when DEQ abandoned that approach and replaced it with more appropriate standards (RBCA and REM).

It appears that the range of remedial alternatives considered in this EECA was limited to those found in the EECA recently developed for Potlatch by Golder & Associates. The EECA should at least reference the other alternatives the other alternatives the Potlatch EECA disqualified. In addition, we suggest another alternative that was not explored by the Potlatch or this current EECA. It may have practical advantages now that the Federal Highway Administration (FHA) is recognized as a potentially responsible party. This alternative approach would excavate the petroleum contaminated material, but rather than thermal desorption treatment, soil washing or removal to the Graham Road facility, the material would be crushed to an appropriate size and added to an asphalt batch plant for road base. The resulting product could be used to pave or repave roads in the Avery area. DEQ's toxicologist was consulted on such an approach and provided an opinion that any COCs would weather out of the asphalt at a rate that would have negligible impact to human health or the environment. The advantage to this approach is that the public and two of the potentially responsible parties obtain a worthwhile "product" from the removal. EPA should keep in mind that it is considering the removal of at least one lane and possibly both of the main travel route along the St. Joe River through Avery during the summer and fall months when the general public uses it the most. EPA may find a more sympathetic public if the project replaced "washboard" dirt roads with paved roads. Similarly, Potlatch would gain log haul efficiency, while the FHA would have an opportunity to share its talents with the project. Certainly there is a "green" aspect in that a product, asphalt and paved roads, would be produced from the energy expended rather than used up to wash or drive thermal desorption. Of all petroleum grades, bunker C, is the closest to that used to produce asphalt. There may be restrictions in OPA and CERCLA or economic arguments that restrict such an approach, but the alternative should be aired and rejected, if for no other reason than to demonstrate EPA's creativity and concern for local interests.

The refill of the entire excavated area is assumed in all of the removal scenarios. Although some filling may be required to restore existing uses (cabin site and log deck), EPA should consider that the fill area is an artificial encroachment into the river's floodplain. Leaving unfilled the area for floodplain would likely be beneficial to the river. This approach should be considered in the EECA and could be used as a negotiating tool with potentially responsible parties. The St. Joe River is designated a Wild & Scenic River. The overall health of the river to include its geomorphology, should at least be considered in the removal action.

Specific Comments:

The Executive Summary is currently uninformative of the key information of the EECA. It is assumed this is a placeholder in the document until the draft final is developed.

Introduction:

Page 1-1: Other owners should be identified, including FHA and Shoshone County
Page 1-1 4th paragraph at end: Our records indicate the impermeable membrane system functioned properly for about 4-5 years before it failed. Our recollection is the seeps into the St. Joe River did not reappear until 2005 or 2006.

Site Characterization:

Page 2-1 4th paragraph: The AST was used to store product from the initial or early recovery system, not the current system.

Page 2-2 1st Paragraph: DEQ is not aware of any federal regulations governing domestic water well abandonment.

Page 2-6: 1st full paragraph: Please explain why the release of petroleum to the waters of the United States being pursued under CERCLA as opposed to OPA. It seems removal justification is more easily attained approaching the site under OPA.

Page 2-12: 1st paragraph under section 2.5.2.2: IDTLS are calculated with the most conservative assumptions. A state managed remediation would provide the RP the opportunity to pursue different thresholds through a REM-1 (more site specific data) or REM-2 (site specific data and justified change in model coefficients).

Page 2-13: Question the use of MTCA standard for petroleum hydrocarbons promulgated by the State of Washington, when Idaho has specifically chosen to reject this approach and based IDTLs on the harmful petroleum constituents and narrative standards for the presence of free product. Use of both standards also creates a form of “double jeopardy” because the analysis must pass Idaho’s standards and Washington’s MTCA.

Page 2-14, Paragraph 2: Question the exceedence of iron criteria for water. This is a secondary MCL which is violated naturally in many geological strata in Idaho.

Page 2-15, 1st paragraph: Designation of domestic water supply does not confer protection of the MCLs in the source water. Free product is prohibited in surface water.

Page 2-19 2nd bullet: Substituted benzenes and phenols are minor constituents in analysis. These are not covered by IDTLs due to the lack of chemical specificity; however these are minor in concentration.

Identification of Removal Action Objectives (RAOs), Scope & Goals:

Page 3-1 Ecological Receptors: RAOs do not appear fully in line with the Risk Assessments even though certain pathways were not complete RAOs are still presented to address them. This is likely unnecessary since removal to address the legitimate risks and free product on groundwater will address any possible additional issue.

Page 3-2 2nd paragraph: There appears to be an insufficient spectrum of alternatives presented. The leading alternatives are listed but no attempt to list and disqualify any additional alternatives. For example, institutional control or an alternative to use the petroleum contaminated substrate in a product, like asphalt, that could be put to beneficial use. Such an alternative might be disfavored over contaminate destruction, but

it should be considered and dismissed if this can be supported. After all, one of your RPs is a road building agency.

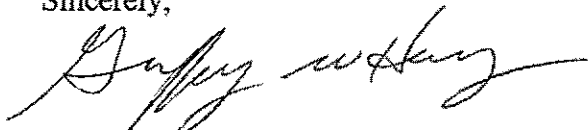
Page 3-2, 3.5 last bullet: Backfilling the removal area is a component of all the removal alternatives. Use of the filled site as a log yard is assumed, since housing will likely be excluded by environmental covenant. It may be possible a majority of the site could go back to a natural floodplain on a Wild & Scenic River. This could be explored in negotiations with the RPs/owners rather than dismissed or ignored in the EECA.

Page 4-4: Natural attenuation should be discussed as part of the no action alternative.

Page 7-1: We assume that EPA will select a preferred alternative and that this will be part of the draft final EECA distributed to the public for comment.

Hopefully, the comments and suggestion made will help improve the EECA as it is developed to the draft final stage.

Sincerely,

A handwritten signature in black ink, appearing to read "Geoffrey W. Harvey", written in a cursive style.

Geoffrey W. Harvey
Waste & Remediation Manager

c. Earl Liverman